

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 10-66729

NEIL J. DAVIS,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**MEMORANDUM REGARDING ATTORNEY FEE APPLICATION  
AND CERTIFICATION OF NO RESPONSE**

On March 22, 2011, the Trustee's attorney filed a fee application. The Applicant's 21-day notice of this fee application was served by mail on the appropriate parties on March 22, 2011. The Applicant filed a Certification of No Response on April 15, 2011, indicating that no one had objected to the fee application.

The Certification of No Response was filed prematurely, because the time for filing objections has not yet expired. The deadline for objections is April 15, 2011. This deadline is determined by first adding 21 days to the date of service of the 21-day notice, plus 3 days. The three days is added under Fed.R.Bankr.P. 9006(f), whether the 21-day notice was served by mail or electronically through the Court's CM/ECF system. In the case of parties served only electronically with the 21-day notice, through the Court's CM/ECF system, the Court's ECF Administrative Procedures state that three days is still added in calculating the objection deadline. *See* ECF Procedure 12(f)(available on the Court's website at <http://www.mieb.uscourts.gov/cmecfInfo/ECFAdminProc.pdf>). Then, if the 24th day after service falls on a Saturday, Sunday, or a Legal Holiday, the objection deadline is the next day which is not a Saturday, Sunday, or Legal Holiday. *See* Rule 9006(a)(1)(c), Fed.R.Bankr.P.; and L.B.R. 9014-1(c)(E.D.M.).

The Court will not act on the Applicant's fee application until the Applicant files a new Certification of No Response that is based upon the correct objection deadline.

**Signed on April 15, 2011**

/s/ **Thomas J. Tucker**  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**